



# PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Employment Security Department

☒ Preproposal Statement of Inquiry was filed as WSR 07-11-160 ; or  
☐ Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or  
☐ Proposal is exempt under RCW 34.05.310(4).

☒ Original Notice  
☐ Supplemental Notice to WSR \_\_\_\_\_  
☐ Continuance of WSR \_\_\_\_\_

**Title of rule and other identifying information:** (Describe Subject) The proposal includes new and amended rules within Chapter 192 WAC. These include provisions relating to corporate officers, including registration requirements; eligibility for benefits; reporting requirements; and election, exemption, or reinstatement of coverage. The rules cover calculation of tax rates; establishing tax rates for new, qualified, and delinquent employers; tax refunds; penalties for filing late or incomplete reports; charging of benefits when an employer fails to report wages or hours; the employment status of certain performers; and posting of notices by employers, including churches and religious organizations. The rules also define the terms contributions, stipend, and reimbursable employers; define hours worked, including practice, preparation, and rehearsal time by performers; clarify exemptions for casual labor and musicians and entertainers; specify the documentation required for employer representatives; and clarify how field audits will be conducted, including estimating payroll and wages when an employer fails to provide the information.

**Hearing location(s):**  
Employment Security Department  
Maple Leaf Conference Room, 2<sup>nd</sup> Floor  
212 Maple Park  
Olympia, Washington

**Submit written comments to:**  
Name: Pamela Ames, ESD Rules Coordinator  
Address: Employment Security Department  
PO Box 9046, Olympia WA 98506  
e-mail [pames@esd.wa.gov](mailto:pames@esd.wa.gov)  
fax (360) 902-9799 by (date) November 7, 2007

Date: November 8, 2007 Time: 10:00 a.m.

**Date of intended adoption:** November 20, 2007  
(Note: This is NOT the effective date)

**Assistance for persons with disabilities:** Contact  
Beverly Peterson by November 7, 2007  
TTY (360) 902-9569 or (360) 902-9234

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The rules implement 2007 legislation, including SHB 1278 (C 51, L 07) tax rates for new employers; sections of ESSB 5373 (C 146, L 07) relating to reporting requirements, penalties, and corporate officers; SSB 5534 (C 366, L 07) exempting payments by certain small performing arts industries; SSB 5702 (C 387, L 07), requiring notification by religious organizations to their employees; and ESSB 5915 (C 287, L 07), employer notices. These changes will ensure the rules are consistent with the amended statutes. In addition, following a general review of existing unemployment tax rules and policies, the proposal includes new rules or changes to the existing rules that will either clarify existing policies or convert policies to rules. The amendments to WAC 192-300 and new WACs 192-310-150, 192-310-160, and 192-310-170 will be effective January 1, 2009. Other rules will be effective January 1, 2008.

**Reasons supporting proposal:** The rules are necessary to implement 2007 legislation. In addition, RCW 34.05.230 encourages agencies to convert longstanding policy statements into rule. Adopting these rules will notify the public as to how the department interprets the employer tax provisions in Title 50 RCW, and how it intends to implement legislative changes.

**Statutory authority for adoption:** RCW 50.12.010 and RCW 50.12.040

**Statute being implemented:** Chapters 51, 146, 366, 387, and 287, Laws of 2007

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, CITATION:		

CODE REVISER USE ONLY

DATE

10-2-07

NAME (type or print)

Paul Trause

SIGNATURE

TITLE

Deputy Commissioner

10:30  
07-20-124

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None.

**Name of proponent:** (person or organization) Employment Security Department

- ☐ Private  
☐ Public  
☒ Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Art Wang	212 Maple Park, Olympia	(360) 902-9587
Implementation....Nan Thomas	212 Maple Park, Olympia	(360) 902-9303
Enforcement..... Nan Thomas	212 Maple Park, Olympia	(360) 902-9303

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No. Explain why no statement was prepared.

The proposed rules will not impose more than minor costs on businesses, nor will there be a disproportionate impact on small business. Further, business costs associated with these rules are the result of the underlying legislation.

**Is a cost-benefit analysis required under RCW 34.05.328?**

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Juanita Myers, UI Rules Coordinator

Address: Employment Security Department

PO Box 9046

Olympia WA 98506

phone (360) 902-9665

fax (360)902-9799

e-mail [jmyers@esd.wa.gov](mailto:jmyers@esd.wa.gov)

☐ No: Please explain: